

REMARKS

The following remarks address all issues raised in the pending non-final action.

Applicant notes respectfully that this response is the third response to actions on the merits in this case, each time without amendment. If the remarks below are not deemed to put this case in condition for allowance, applicant respectfully requests an interview with the examiner for the purpose of resolving any remaining issues, so that this case may pass to issue.

Applicant has reviewed carefully the pending rejections made under § 102 and § 103 and premised upon the teachings of Veldhuisen (US 6,480,850), Van Hoff et al., Snell et al., and Herz et al. and respectfully traverses the grounds for rejection.

§102 Rejection

Claims 1, 6, 10, 14, 19, 20, 23, 27, and 28 were rejected under 35 U.S.C. 102(a) as being anticipated by Veldhuisen. Applicant respectfully disagrees.

Veldhusien describes a centralized system and database for managing consumer "preferences for privacy or data protection in a data warehousing system." (See Veldhuisen, col. 2, line 67- col. 3, line 1). The warehouse system includes a database "for storing data from a plurality of consumer database tables" and a "privacy metadata system that administers and records all data, users and usage of data" and a "consumer access system with personal consumer data." (See Veldhuisen, col. 3 lines 3-15). Fig. 1 shows a data warehouse system 100 including a secure data warehouse 102 that is separate from the client system 124. Fig. 5 also shows a database that is remote from the client computer. In fact, Veldhuisen explicitly teaches a data warehouse system (secure data warehouse system 102) that is a computer system operated by a third party who has access to and manages the gathered information.

In contrast, the present invention, as recited in claim 1, stores "information within a protective zone located within the end user's computer." Thus, Veldhuisen fails to teach or suggest

"a data collection module for gathering information about a person and for storing the information within a protective zone located within the end user's computer and isolated from third parties" as recited in base claim 1. Accordingly, Veldhuisen fails to teach all of the elements of base claim 1 and, therefore, the §102 Rejection of base claim 1 should be withdrawn.

While having different scope, base claims 14 and 27 include the same or similar feature of "a protective zone located within the end user's computer and isolated from third parties." Accordingly, for the same reasons discussed above, the §102 Rejection of base claims 14 and 27 should be withdrawn.

Because claims 6, 10, 19, 20, 23, and 28 depend from, and are limited by, base claims 1, 14, and 27 respectively, the §102 Rejection of these claims should also be withdrawn.

§ 103 Rejections

As discussed above, because Veldhuisen fails to teach all of the elements of base claims 1, 14, and 27, the combination of Veldhuisen with Van Hoff et al., Snell et al., or Herz et al. fails to teach or suggest all of the elements of dependent claims 2, 3, 4, 5, 8, 9, 11, 12, 13, 15, 16, 17, 18, 22, 24, 25, 26, 29, 30, and 31. Thus, there is no prima facie case of obviousness with respect to these claims and the §103 Rejection of these claims should be withdrawn.

The deficiencies of Veldhuisen go even further, and at column 4, lines 53-59 Veldhuisen explicitly teaches away from keeping the information isolated from third parties and teaches that:

"retailer applications 110 and third party applications 112 have access only to such data as permitted by the database view provided. In one embodiment, provision is made to permit override of the customer's privacy preferences."

So in some of Veldhuisen's embodiments the customer's privacy can be overridden, and in all embodiments, third party applications can access at least some of the customers data. Veldhuisen, in all his embodiments, fails to teach that even a portion of a consumer's data will be

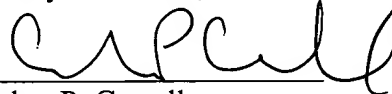
isolated from third parties. In fact, if Veldhuisen did not allow third parties to access the consumer's data, there would be no way for the data warehouse manager, a third party, to manage the consumer data. Thus, for this additional reason, there is no prima facie case of obviousness with respect to dependent claims 2, 3, 4, 5, 8, 9, 11, 12, 13, 15, 16, 17, 18, 22, 24, 25, 26, 29, 30 and the §103 Rejection of these claims should be withdrawn.

In view of the above remarks, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. SIMU-P01-003 from which the undersigned is authorized to draw.

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Respectfully submitted,

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